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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) CR No. 12-mj-70126 MAG

Plaintiff,)

v.)

MONIQUE BURNS,)

Defendant.)

**STIPULATION AND [PROPOSED]
ORDER CHANGING HEARING DATE
AND EXCLUDING TIME**

The Court has set August 31, 2012 as the date for a preliminary hearing or arraignment.

The parties hereby stipulate to set the preliminary hearing or arraignment date on October 12, 2012, and they request that the Court extend the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161. This extension of time is necessary for the parties to explore possible pre-indictment resolution and to ensure continuity of counsel.

Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of time, and the parties represent that good cause exists for this extension, including the effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). For the same reasons, the parties also request that the Court exclude from the time limits of 18 U.S.C. §

3161 the period from the date of this Order through October 12, 2012. The parties also agree that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: August 30, 2012

/s/
KEVIN J. BARRY
Assistant United States Attorney

DATED: August 30, 2012

/s/
CAMELLIA BARAY
Attorney for MONIQUE BURNS

~~PROPOSED~~ ORDER

For the reasons stated above, the Court sets October 12, 2012, as the date for the arraignment or preliminary hearing. The Court finds that extension of time limits applicable under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through October 12, 2012, is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for the defendant and for the government the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: August 30, 2012

